

APPEAL NO. 032154
FILED SEPTEMBER 30, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 26, 2003, with the record closing on July 10, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and did not have disability.

The claimant appealed, contending that he “never received anything from the [respondent] (carrier)” and otherwise asserts that he sustained an injury and had disability. The carrier responds, urging affirmance.

DECISION

Affirmed.

The claimant, although represented by a lay representative, did not appear at the scheduled CCH. At the CCH minimal conflicting documentary evidence was offered by the claimant's representative. Both at the beginning and close of the CCH, the hearing officer announced that she would send out a 10-day show cause letter to allow the claimant to present further evidence. The hearing officer kept the record open, and in the decision commented that the 10-day letter, together with the Insurance Carrier Information Sheet, had been sent to the claimant and that the “claimant did not respond to the letter.”

The hearing officer's decision that the claimant had failed to prove that he sustained an injury on _____ and had disability is supported by the evidence. Much of the claimant's appeal constitutes new evidence or information submitted for the first time on appeal. We decline to consider the new evidence submitted for the first time on appeal it as it does not meet the standard set out in Black v. Wills, 758 S.W.2d 809 (Tex. App.-Dallas 1988, no writ) which might require a remand.

Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Robert W. Potts
Appeals Judge

Margaret L. Turner
Appeals Judge